RAJYA SABHA

Wednesday, the 27th April, 1994/ 7th Vaisakha, 1916 (Saka)

The House Met at eleven of the clock, Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Disposal of accident cases pending with claims tribunal

*421. SHRI VIRENDRA KATARIA : Will the Minister of RAILWAYS be pleased to state :

(a) the number of accident claims pending with the claims tribunal, zonewise, as on the 31st March, 1994 ;

(b) the average time taken by the tribunals in deciding the cases ;

(c) the cases pending for more than one year and those among them pending for more than three years ; and

(d) the reasons for delay in their disposal and steps taken or proposed to be taken to expedite them ?

THE MINISTER OF RAILWAYS (SHRI C. K. JAFFER SHARIEF) : (a) to (d) A statement is laid on the table of the Sabha.

Statement

(a) The position of disposal and pending cases is maintained benchwise and not zonewise. 794 accident claims cases are pending in the different benches of Railway Claims Tribunal as on 31-3-94 as under :—

Name of the Bench	No. of cases pending
Delhi	10
Lucknow	72
Chandigarh	4
Gorakhpur	35
Jaipur	56
Bombay	67
Nagpur	14
Ahmedabad	20
Bhopal	142
Madras	46
Ernakulam	34
Secunderabad	70
Bangalore	4
Calcutta	33
Gowahati	9
Patna	178
Bhubaneshwar	—
TOTAL	794

(b) 195 days ; as against two to three years taken earlier by Ad-hoc Claims Commissioners

(c) 230 cases are pending for more than one year and 63 cases for more than three years.

(d) Delay in the finalisation of the claims cases occurs due to :

(i) Non-attendance by the applicants or their counsel ;

(ii) adjournments sought by the claimants or their counsels, etc.

(iii) non-availability of legal heirship with the claimants.

Priority is accorded in the disposal of accident claims cases. These cases are required to be filed in the concerned bench which has jurisdiction over the site of the accident. However, cases are allowed to be transferred on request of the applicant, to a bench nearer to the residence of the claimant to facilitate their attendance in the Tribunal.

Circuit Benches are also held at places other than the Headquarters of the bench to facilitate quick disposal. Whenever any Member is not available in any Bench, Members from other benches are deputed for quick disposal of listed cases.

SHRI VIRENDRA KATARIA : Mr. Chairman, Sir, part (a) of my supplementary is this. What is the special reason why there are such a large number of cases pending decision in Bhopal and Patna ? Part (b) of my question is : Though the Tribunal is a judicial body, is there any administrative control on it ? If so, at what level is it to ensure that it excludes corruption in the disposal of cases ? Part (c) of my question is : Where does the appeal lie against the decision of the Tribunal ? Is any legal/ administrative assistance given at the Government level to those who file their cases ?

SHRI C. K. JAFFER SHARIEF : Sir, earlier, it used to take two or three years. Now it takes hardly a few months. The new approach of the Claims Tribunal has reduced the delay considerably. By and large, the claimants of compensation or the clients are happy. It used to take two or three years earlier. Now the time taken is as low as 195 days since the setting up of the Railway Claims Tribunal.

So far as the particular areas referred to by the hon. Member are concerned, it is generally for reasons of non-appearance by counsel or adjournments sought by the claimants. In about seven cases, it is because of the maintainability or otherwise of the cases. Then, in some cases, it is because of issues like legal heirship. Mostly it is because of the claimants. For some reason or the other, they have not been able to give sufficient proof and their lawyers take adjournments. These are the reasons for delay.

Appeals against the judgments of Railway Claims Tribunals lie in he respective High Courts. If somebody is not satisfied with the decision of a Tribunal, he can go to the High Court concerned.

श्री वीरेन्द्र कटारिया : सर, मैंने जो अपने सप्लीमेंटरी का दूसरा भाग इनसे पूछा था कि भोपाल और पटना में इतने ज्यादा एक्सीडेंट क्लेम क्यों पैंडिंग पड़े हैं, मेरे ख्याल में इन्होंने जो जबाब दिया है कि नॉन एपीचरेंस आफ द क्लेमेंट और उनकी जो एडजर्नमेंट लेना यह तो सारे ट्रिब्यूनल पर लागू होता है । मैंने इनसे पूछा था कि स्पेसीफाइ तौर पर इन दो ट्रिब्यूनल की जो ज्यूरिस्डिक्शन है उनमें इतने क्लेम क्यों पैंडिंग पड़े हुए हैं और उसकी वजह यह है कि वहां पर एक्सीडेंट होते हैं और उसी जगह फिर एक्सीडेंट होते हैं, ज्यादा एक्सीडेंट होते हैं । वे क्यों उसी जगह पर बार-बार होते हैं, इस का कोई इन्होंने जबाव नहीं दिया है ?

अब मैं आपके कहने के मुताबिक अपनी सैकण्ड सप्लीमेंटरी पूछना चाहता हूं ।

compensation sanctioned during the last five years, indicating the cases of death and injury separately. The second part of my question is whether compensation has been paid in the case of the death of children at the unmanned crossing in Maharashtra for which this House pleaded unanimously last year as a special case.

SHRI C. K. JAFFER SHARIEF : So far as the payment of compensation for victims at the unmanned level crossing at Pune is concerned, we have taken a decision to pay compensation. The concerned Railways are being asked to come out with the details. So far as the other Railways

are concerned, as the hon. Member has said, it is true that at time accidents have taken place.

It has been said that a number of times we have repeated the same reply. At certain times it happens like this and the human failure remains a major factor with the Indian Railways. We have taken a lot of precautionary measures. You can judge it by comparing the present and the past situation. Now, the accidents have come down very much and particularly in the recent past, there are hardly any accidents.

I appreciate the concern shown by the hon. Member in respect of two areas where a large number of accidents have occurred. A spate of accidents occur sometimes. But it does not happen all the time. So far as our effort to improve safety and speedy dispensation of claim cases is concerned, if you look at this year's Budget, we have made a meaningful provision in this respect and we have laid a special thrust so far as safety standards are concerned. It was not so in the earlier period.

SHRI VIRENDRA KATARIA : Sir, my question about payment of compensation during the last five years, indicating the cases of death and injuries separately, has not been answered.

MR. CHAIRMAN : Mr. Minister, have you anything to say about it ?

SHRI C. K. JAFFER SHARIEF : Sir, I will collect the information and pass on the same to the hon. Member.

SHRI AJIT P. K. JOGI : Sir, my supplementary is regarding the Bhopal Bench. The pendency of cases, as indicated by the hon. Minister in his reply, is the second largest in Bhopal. I would like to know whether it is because of more accidents in that area, and if there are more accidents in that area, what steps have been taken to ensure that the number of accidents is reduced. Are there some other administrative lapses because of which the pendency is as large as ten times when compared to our neighbouring Bench at Nagpur—Nagpur has only fourteen cases—whereas it has more than 140 pending cases ? So, there has to be something special about Bhopal. Why is the pendency so large in Bhopal ? If there are more accidents in Bhopal area, have you identified the areas where accidents are occurring more ?

SHRI DIGVIJAY SINGH : Accidents are taking place before the Congress office in Bhopal !

SHRI AJIT P. K. JOGI : We will come to that later. I would also like to know whether the Minister will pay attention to the Bhopal Bench, find out why the Bhopal Bench has not been functioning efficiently and whatever is lacking, will he take steps to strengthen that ?

SHRI C. K. JAFFER SHARIEF : Sir, in each Bench, there will be a Judicial Member and a Technical Member. Generally, these Benches are doing well. As I said earlier, sometimes, the pendency of a large number of cases is due to the claimants themselves because they have not been able to satisfy the court.

SHRI AJIT P. K. JOGI : These are general reasons. I want to know why in Bhopal the pendency is so large. These are reasons for all other centres.

SHRI C. K. JAFFER SHARIEF : No, no. These reasons are not for all other centres. After all, the reason may be the same. It may be a common reason in all other places. In a particular area, if an accident takes place and the casualty is more, then the cases would be more. If they have not been able to satisfy the courts properly, naturally, that figure is reflected here.

SHRIMATI MIRA DAS : Mr. Chairman, Sir, one of the reasons in finalising the claim cases is the non-availability of legal heirships. Sir, the wife of a person is a legal heir. Is there any dispute in it ? I have seen a number of ladies coming to me and asking for the finalisation of their cases. Delays in the finalisation of claim cases are being made deliberately not only by the Railways but also by other institutions. They do not disburse the compensation to them immediately. So, I request the hon. Minister to see that in the case of a lady, when the wife is a legal heir and there is no dispute in that, the compensation can be disbursed to her immediately.

SHRI C. K. JAFFER SHARIEF : Sir, I entirely agree with the hon. lady Member, but one of the problems that we face is—it is even my experience—that the people come to us directly and say that their claims are not settled. There is a wife who legally claims that she is the right heir but sometimes some other lady comes and says that she is also a wife—. (*Interruptions*) . . .

SHRIMATI MIRA DAS : Somebody else can claim as a son or a daughter, but not as a wife.

SHRI C. K. JAFFER SHARIEF : No, no; I am telling you the experience. . . (*Interruption*) . . .

SHRI CHATURANAN MISHRA : Is it your personal experience ?

SHRI C. K. JAFFER SHARIEF : Sir, if there are more than one claimants, then there is a problem in ascertaining the facts. Sir, our endeavour would be to see that the right persons get the compensation. The courts are judicial in nature and unless they are satisfied fully, they will not accept any additions. So it depends more on the parties concerned than anything else that we can do.

SHRI SATISH AGARWAL : Thank you, Mr. Chairman. It is really very interesting to note that the number of claim cases pending in the Bangalore Bench is just four and I do support it that it is not on account of the fact that the hon. Minister hails from Karnataka. It is good, very good, but the pendency of cases in Patna is 178. In Bhopal it is 142 and in Jaipur it is 56. May I suggest to the hon. Minister one thing because, looking to the pendency of cases not only before the Railway Claims Tribunals, but also before the High Courts and the Supreme Court, he can't do anything at present ? We have experimented it in Rajasthan in regard to the cases pending before the Motor Accident Claims Tribunal. Eighty per cent cases were decided through the forum of Lok Adalats. Looking to the success of the Lok Adalat experiment in Rajasthan relating to motor accident claims' decision, where 80 per cent cases were settled mutually with the insurance companies, will the hon. Minister do such an experiment of Lok Adalats with regard to the Railway Tribunals also ? Will he consider this suggestion of mine to expedite the disposal of cases and provide immediate relief to the claimants and not have any alibi that they are not coming for ward, they are seeking adjournments, claimants are not there ? These are all alibis. The problems are there but will you do such an experiment in the Railway Claims Tribunals also as the one in Motor Accident Claims Tribunals in Rajasthan ?

SHRI C. K. JAFFER SHARIEF : Sir, I welcome the suggestion and I will examine it.

*422. *The Questioner* (*Shri Jagannath Singh was absent. For answer* vide *vol.* . . infra]

*423. [*The Questioner* (*Shri S. Austin*) *was absent. For answer* vide *col.* . . . infra].

Visit of US Assistant Secretary of State

*424. SHRI GAYA SINGH :
SHRI CHATURANAN MISHRA†

Will the Minister of EXTERNAL AFFAIRS be pleased to state :

(a) whether Ms. Robin Raphel, Assistant Secretary of State of USA visited the country recently;

(b) if so, whether our country's strong resentment over the various statements made by her which seek to undermine our national integrity and even question Kashmir's accession to India was conveyed to her by the Foreign Ministry Officials ;

(c) if so, the details and her reaction thereto ; and

(d) if the answer to part (b) above be in the negative, what are the details of the discussions which took place between her and the Union Government and with what outcome ?

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†The Question was actually asked in the floor of the House by Shri Chaturanan Mishra.